

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JESSICA FRYREAR

PLAINTIFF

VS.

CAUSE NO. 4:22-cv-00112-MPM-DAS

**WASHINGTON COUNTY, MISSISSIPPI,
JARRELL EVANS and CEDRICK ADAMS,
in Their Individual Capacities for State Law
Violations Only**

DEFENDANTS

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT WASHINGTON
COUNTY, MISSISSIPPI'S MOTION FOR JUDGMENT ON THE PLEADINGS [19]**

Plaintiff Jessica Fryrear files this her Response in Opposition to Defendant Washington County, Mississippi's Motion for Judgment on the Pleadings [19], and shows the Court the following:

1. It is plausible that Jessica Fryrear will be able to establish facts indicating a lack of probable cause.
2. The justice court judge's issuing a warrant does not negate a plausible claim that the justice court judge did not act as an impartial intermediary.
3. It is plausible that the grand jury was not an independent intermediary.
4. It is plausible that Fryrear will establish liability of Defendant County for the acts of its Sheriff in failing to train its deputies to have probable cause before making an arrest.
5. In support of this Response, Plaintiff relies on the following evidentiary materials:

Exhibit “A”: Excerpts of Trial Testimony of April Miller in the case styled *State v. Fryrear, et al.*, Washington County Circuit Court No. 2019-0061;

Exhibit “B”: Motion for Habeas Corpus, or, in the Alternative, Bond Reduction in the case of *Fryrear v. Washington County, Miss.*, Washington County Circuit Court No. 2019-0061, filed on April 10, 2019; and

Exhibit “C”: Amended Petition to Enter Plea of Guilty Plea in *State v. Miller*, Washington County Circuit Court No. 2019-0061.

6. A brief in opposition to Defendant County’s Motion for Judgment on the Pleadings is being filed simultaneously herewith.

RESPECTFULLY SUBMITTED, this the 22nd day of November, 2022.

JESSICA FRYREAR, Plaintiff

By: /s/ Jim Waide

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Plaintiff has this day filed the above and foregoing with the Clerk of the Court, utilizing the federal court electronic case data filing system (CM/ECF), which sent notification of such filing to the following:

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DATED, this the 22nd day of November, 2022.

/s/ Jim Waide

Jim Waide